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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,699	03/29/2004	Michael Cysz	MCZ014	5284
34496	7590	12/02/2005	EXAMINER	
RICHARD C. CALDERWOOD 2775 NW 126TH AVE PORTLAND, OR 97229-8381			YEAGLEY, DANIEL S	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,699

Applicant(s)

CZYSZ, MICHAEL

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because figure 6; reference character “38” has been used to designate both upper triple clamp and left upper fork leg.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, line 7, the term “its” is considered indefinite.

*Specification*

5. It is noted that although claim 1 is the broadest claim and presented first, applicant however has presented the second broadest claim 8 at the end of the claims section. Applicant is reminded that 37 CFR §1.75 (g) states that the least restrictive claims should be presented first and should preferably be arranged in order of scope. See also MPEP 608.01(m).

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Polster '874.

Polster discloses a motorcycle handlebar assembly (abstract) comprising a motorcycle clipon assembly having a clipon bracket with a fork tube 1 having an inner diameter suitable for mating with an outer diameter of a fork leg, and includes a bar tube 7 coupled to and substantially external to the fork tube which is generally perpendicular to the fork tube, and includes a split that extends generally axially through the fork tube that divides the fork tube into a C shape and is generally perpendicularly through the bar tube which divides the bar tube into two tubular portions, wherein a handlebar with element 2 has a substantially axial threaded hole at one end that extends into the bar tube and a threaded pinch bolt 6 with a head engaged with the bar tube and a threaded shaft that extends axially through the bar tube and engaged with the

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threaded hole of the handlebar, whereby when the pinch bolt is tightened, the head and the handlebar tighten are drawn against the bar tube and the split is pinched closed, whereby the fork tube is tightened against a fork leg and wherein the clipon assembly includes a bar cap (shouldered indent) that extends into the bar tube and is disposed between the bar tube and the pinch bolt.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Polster '874 in view of Renshaw '153.

Polster as stated above show a motorcycle handlebar assembly comprising a motorcycle clipon assembly having a clipon bracket comprising a fork tube and bar tube that included a split that extended axially through the fork tube and divided the bar tube into two tubular portions, wherein the clipon assembly is configured such that the handlebar is capable of being positioned at an angle between 5 and 25 degrees off perpendicular to an axis of the fork tube, but failed to show an axis of the bar tube being 5 to 25 degrees off perpendicular to an axis of the fork tube.

Renshaw shows a clipon assembly having a fork tube with an angularly displaced perpendicular bar tube for a motorcycle handlebar which shows a bar tube with an axis that is 5 to 25 degrees off perpendicular to an axis of the fork tube as claimed (figure 1 and 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the axial alignment of Polster split fork tube and perpendicular bar tube with a further angular displacement between the fork and bar tubes as suggested by Renshaw clipon assembly in order to further enhance the adjustability of the handlebars into a preferred position with respect to the fork and would be a matter of design choice dependent upon user preference of positioning the handlebars into a preferred position with respect to the fork tube and may be needed to provide a particular angular displacement dependent upon the structural orientation of the components and would have been obvious to one of ordinary skill in the art, since it is held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

10. Claims 1 and 6 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakuma '422 in view of Polster '874.

Sakuma shows a motorcycle front end comprising upper and lower clamps coupled to left and right fork legs 15 which is rotatably couplable to a steering tube (figure 1-2), wherein left and right clipon handlebars 19 are coupled to the left and right fork legs (figure 3, column 3) by a clipon assemblies comprising a clipon bracket which is shown in figure 3 as being a first and second generally perpendicular and generally tangentially mated cylinders, wherein at least one of the handlebars extends into a first end of a second cylinder, wherein the clipon bracket

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assembly of the motorcycle handlebar assembly includes a fork tube with an inner diameter suitable for mating with an outer diameter of a fork leg, and includes a bar tube coupled to and substantially external to the fork tube so as to be generally perpendicular to the fork tube, but failed to show the split in the bracket assembly of the motorcycle handlebar assembly.

Polster as stated above show a motorcycle handlebar assembly comprising a clipon assembly which shows a clipon bracket comprising a cylindrical fork tube 1 and a tangential perpendicular bar tube 7, and includes the feature of incorporating a split that extends generally axially through the fork tube which divides the fork tube into a C shape and splits through the bar tube to divide the bar tube into two tubular portions, wherein the clipon assembly includes a handlebar having a substantially axial threaded hole at one end that extends into the bar tube and includes a threaded pinch bolt 6 comprising a head engaged with the bar tube and a threaded shaft that extends axially through the bar tube and engaged with the threaded hole of the handlebar (figure 1), such that the clipon assembly includes a bar cap (shouldered indent) that extends into the bar tube and is disposed between the bar tube and the pinch bolt, such that the bar cap extends into the second end of the second cylinder so that the pinch bolt engages the bar cap and the handlebars to bottom them against their respective ends of the second cylinder and thereby pinch the first cylinder onto the respective fork leg, *whereby* when the pinch bolt is tightened, the head and the handlebar tighten are drawn against the bar tube and the split is pinched closed, *whereby* the fork tube is tightened against a fork leg, and such that the clipon bracket is configured such that the handlebar is capable of being at an angle between 5 and 25 degrees off perpendicular to an axis of the fork leg as claimed.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the tangential mated cylindrical fork tube and bar tube of Sakmura clipon assembly with a bracket assembly comprising an axial split in the bracket and a bar cap and pinch bolt arrangement, such as suggested by Polster in order to provide a simple mounting and fastening means to more easily clamp the handlebar to the fork leg as taught by Polster.

*Allowable Subject Matter*

11. Claims 4 – 5 are allowed.

12. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Strader et al '083, Kishi et al '555, Moulton '255, Meinecke et al '505, Li '570, Kraeft '371, Daes '656 and Gretzinger '884 show a handle bar and fork tube assembly.

Holden '191 shows a clipon bracket assembly.




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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.

  
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